

## REMARKS

The present amendment is submitted in response to the Office Action dated October 18, 2007, which set a one-month period for response, making this amendment due by November 18, 2007.

Claims 4, 12-19, with claims are pending in this application, with claims 14-17 having been previously withdrawn.

In the Office Action, claims 4, 12, 13, 18 and 19, which were amended or added in the Applicants' amendment filed on August 2, 2007, were objected to as being "drawn to a method for improving the condition of hair", while the "originally presented claims were drawn to a use of natural zein". Claims 4, 12, 13, 18, and 19 were therefore withdrawn from consideration as being directed to a non-elected invention.

The Applicants respectfully disagree with the imposed withdrawal of claims 4, 12, 13, 18 and 19.

The composition claims and method claims share a common technical factor that distinguishes them from the prior art, namely, the use of ***natural*** zein in hair treatment composition or methods.

In accordance with Article 13.1 of the PCT as well as MPEP 1893.03(d), because "unity of invention" practice applies during examination of the U.S. national stage of a PCT application that designates the U.S., the restriction requirement should be withdrawn, because no reference has been cited that teaches the use of ***natural*** zein in cosmetic compositions or methods of cosmetic

treatment. Neither of the cited references to Morawsky et al and Gemprecht et al teaches the use of unhydrolyzed (natural) zein obtained from corn in cosmetic compositions or methods.

Therefore, the Examiner has not shown that the common technical factor does not distinguish the claimed method and composition of the present invention from the cited art. The restriction requirement therefore is improper.

In this amendment, claim 18 has been amended to claim a “method for improving the condition of hair ***with natural zein***”, which more clearly indicates that claim 18 defines the originally elected invention. In addition, pursuant to the telephone conference held with the Examiner regarding this restriction requirement, claim 18 was amended further to delete the phrase “at least one cosmetic carrier”, as requested by the Examiner.

For the reasons set forth above, the Applicants respectfully request withdrawal of the restriction requirement and the substantive examination and allowance of the claims are amended herein.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will address the outstanding issues raised in the Office Action and expedite placement of the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of fluid, connected strokes that form a stylized name or set of initials.

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